IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 4454 OF 2006
IN
SUIT NO. 1305 OF 1987

Mrs. Arati Anil Sarwate & Ors. .. Plaintiffs.

V/s.

Shashikant Pandurang Phadke & Ors. .. Defendants.

Ms.Mrudula Kadam i/by M/s.Vimadalal & Co. for the Plaintiffs.

Mr.S.K. Sthalekar for the Defendant No.1.

Mr.S.V.Sadavarte for the Defendant Nos. 2 and 3.

CORAM : S. A. BOBDE, J.

DATED : 12th FEBRUARY, 2007.

P.C.:

. By order dated 07.07.2006 this court directed that the suit should proceed without a written statement. This motion is for setting aside that order. It appears from the affidavit on record that after summons was served some time in the year, 1987, the parties have been negotiating the settlement and in fact some time in March, 2005 the parties also prepared the consent terms. However, negotiations failed in March, 2005 and therefore, the defendants have decided to contest the suit again. The fact that the negotiations

were being held is not disputed on behalf of the plaintiffs.

2. Having regard to the circumstances of the case, I think it appropriate in the interest of justice to set aside the order dated 07.07.2006 and it is hereby set aside. The defendants shall be permitted to file their written statement, if filed within a period of two weeks from today. The plaintiffs shall be permitted to file additional affidavit of evidence.

3. Order accordingly. Stand over for two weeks.

(S.A.BOBDE,J.)

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